

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAR -6 AM 10: 51  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Jose Luis OLIMON-Hernandez )

Defendant. )

Magistrate Case No. **'08 MJ 07 09**

COMPLAINT FOR VIOLATION OF

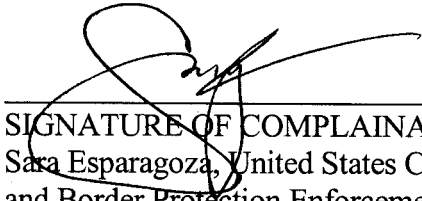
Title 8, U.S.C., Section 1324(a)(2)(B)(iii)  
Bringing in Illegal Alien(s)  
Without Presentation

DEPUTY

The undersigned complainant being duly sworn states:

On or about **March 5, 2008**, within the Southern District of California, defendant **Jose Luis OLIMON-Hernandez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel VELASCO-Hernandez and J.A.V.M.**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESCENCE, THIS **6<sup>th</sup>** DAY OF **MARCH, 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

**PROBABLE CAUSE STATEMENT**

The complainant states that **Miguel VELASCO-Hernandez and J.A.V.M.** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 5, 2008 at approximately 6:20 am **Jose Luis OLIMON-Hernandez (Defendant)** made application for admission into the United States through the San Ysidro Port of Entry as the driver and sole visible occupant of a blue Nissan Sentra. During pre-primary roving operations, a U.S. Customs and Border Protection (CBP) Canine Enforcement Officer screened the vehicle driven by the Defendant utilizing a Narcotic/Human Detector Dog when the dog alerted to the vehicle. The CBP Officer called for assistance and the vehicle was stopped.

Defendant presented to a CBP Officer a Permanent Resident Card bearing the name Anastacio PEREZ-Rodriguez. Defendant stated the vehicle belonged to his friend and that he was not bringing anything from Mexico. CBP Officers conducted an inspection of the vehicle and discovered a human being concealed behind the back rest of the rear seat of the vehicle. Defendant and vehicle were escorted to secondary for further inspection.

During secondary inspection, CBP Officers removed the backrest and seat cushion of the rear seat of the vehicle revealing two human beings sitting upright in non-factory compartment. CBP Officers extricated two male individuals from the compartment. The individuals were determined to be citizens of Mexico without entitlements to enter the United States. Both individuals were retained as Material Witness and are now identified as **Miguel VELASCO-Hernandez and J.A.V.M. (Material Witnesses)**.

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed aliens. Defendant admitted if successful in smuggling, the person with whom he made arrangements was to pay him \$1,000.00 USD. Defendant stated he was to drive the vehicle with the concealed aliens to Chula Vista, California.

During a separate recorded interview, Material Witnesses declared they are citizens of Mexico without legal rights or documents to enter the United States. Material Witnesses stated they were each going to pay \$2,000.00 USD to be smuggled into the United States. Material Witnesses stated they were going to Los Angeles, California to seek employment and residency.